

**ZB# 04-07**

**Donald Fassbender**

**45-3-1**

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
*Granted 3-22-04*

ZBA #04-07 DONALD FASSBENDER  
(AREA) 8 MUSKET PL (45-3-1)

Donald Fassbender 562-4899



NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 45-3-1

In the Matter of the Application of

MEMORANDUM OF  
DECISION GRANTING

**DONALD & KAREN FASSBENDER**

**AREA**

CASE #04-07

**WHEREAS, Donald Fassbender**, owner(s) of 8 Musket Place, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 5.5 ft. Rear Yard Setback (48-14, A(1b) for existing shed at 8 Musket Place in an R-4 Zone and;

**WHEREAS**, a public hearing was held on March 22, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared on behalf of this Application; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor of or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties.
  - (b) The shed has been in existence for approximately 17 years.
  - (c) The shed houses lines for a pool heater and water lines. The shed is part of the fence around the pool and enhances the safety of the pool.

- (d) During the time the shed has been erected, no complaints, either formal or informal, has been received.
- (e) In constructing the pool no trees or substantial vegetation has been removed.
- (f) The shed does not create the ponding or collection of water or divert the flow of water drainage.
- (g) The shed is not located over any easements including, but not limited to, water and sewer easements.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

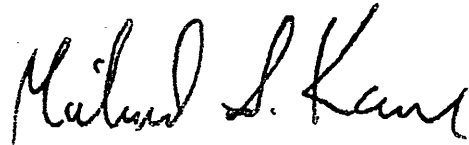
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 5.5 ft. Rear Yard Setback (48-14, A(1b)) for existing shed at 8 Musket Place in an R-4 Zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: March 22, 2004

A handwritten signature in cursive script, reading "Michael S. Kane".

---

Chairman



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## OFFICE OF THE ZONING BOARD OF APPEALS

June 16, 2004

Donald & Karen Fassbender  
8 Musket Place  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-07

Dear Mr. Fassbender:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

---

Myra Mason, Secretary to the  
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

DATE: 1/8/04

APPLICANT: Donald & Karen Fassbender  
8 Musket Place  
New Windsor, NY 12553

**COPY**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 1/7/04

FOR : 10x14 shed


LOCATED AT: 8 Musket Place

ZONE: R-4      Sec/Blk/ Lot: 45-3-1

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS: 48-14, A(1b)

1. Accessory buildings shall be set-back 10ft from any lot line. Existing 10x14 shed is 4.5ft from the property line. A variance of 5.5ft is required.

  
BUILDING INSPECTOR



PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4     USE: Accessory Building

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:                      10ft

4.5ft

5.5ft

REQ'D FRONTAGE:

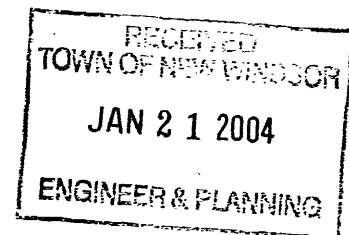
MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP



**04-07**

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

JAN 07 2004

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit # 2004-10

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Dan & KAREN FASBENDER

Address 8 MUSKET PL Phone # 562-4899

Mailing Address NEW WINDSOR NY 12553 Fax # \_\_\_\_\_

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder \_\_\_\_\_

If applicant is a corporation, signature of duly authorized officer. \_\_\_\_\_  
(Name and title of corporate officer)

1. On what street is property located? On the \_\_\_\_\_ side of \_\_\_\_\_  
(N, S, E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_

2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_

3. Tax Map Description: Section 45 Block 3 Lot 1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy \_\_\_\_\_ b. Intended use and occupancy \_\_\_\_\_

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other EXISTING

6. Is this a corner lot? YES

10x14  
5 HEN

7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_

Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost \_\_\_\_\_

Fee

\$50.00

Clt# 3034

**PAID**

date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors Frank Liel & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4618  
(845) 563-4695 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, place or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

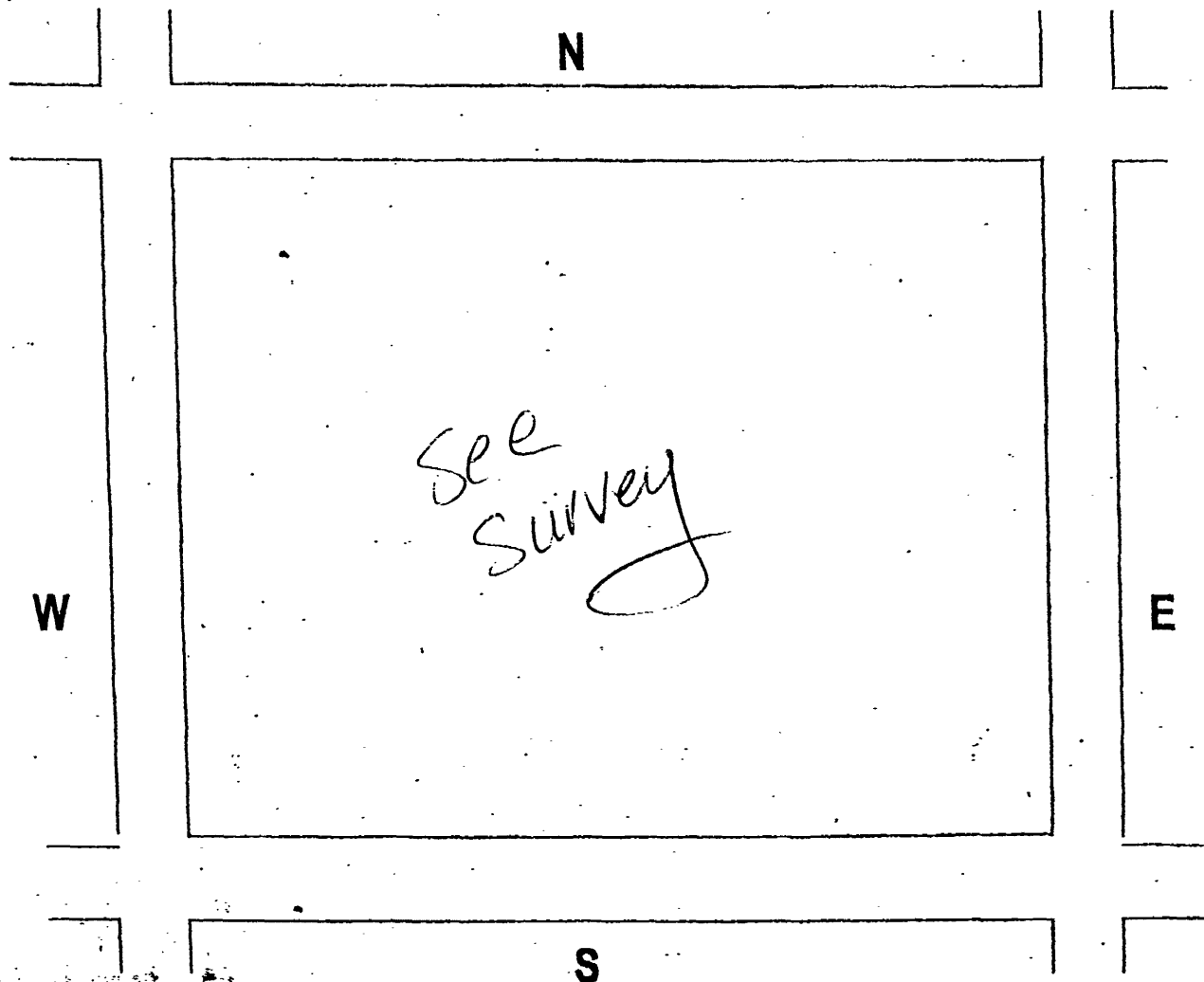
(Address of Applicant)

(Owner's Signature)

(Owner's Address)

**NOTE:**

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



**TOWN OF NEW BRUNSWICK, NEW JERSEY**  
**Pursuant to New York State Building Code and Town Ordinances**

**Bldg Insp Examined**  
**Fire Insp Examined**  
**Approved**

authorized alteration or addition to a survey bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law."

-10 SCALE 1"=30' JANUARY 31, 1992

"Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveyors adopted by the California-Nadson Land Surveyors Association. Said certifications shall run only to those named individuals and/or institutions for whom the survey is prepared. Certifications are not transferable to additional individuals, institutions, their successors and/or assigns, or subsequent owners."

This map is the result of a field survey of Jan. 30, 1992 and is true and correct to the best of my knowledge. It is so certified to Carl J. DiLorenzo, Mary A. DiLorenzo, The Inter County Savings Bank, Affirmative Abstract as agents for The Title Insurance Company of Minnesota.

Francis E. Whitaker L.S.  
4 Central Ave. Newburgh, N.Y.

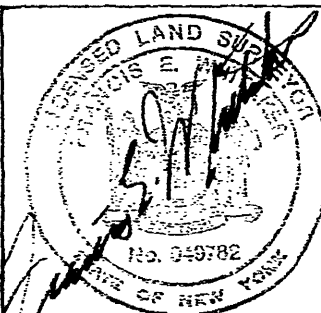
A SURVEY OF LANDS OF

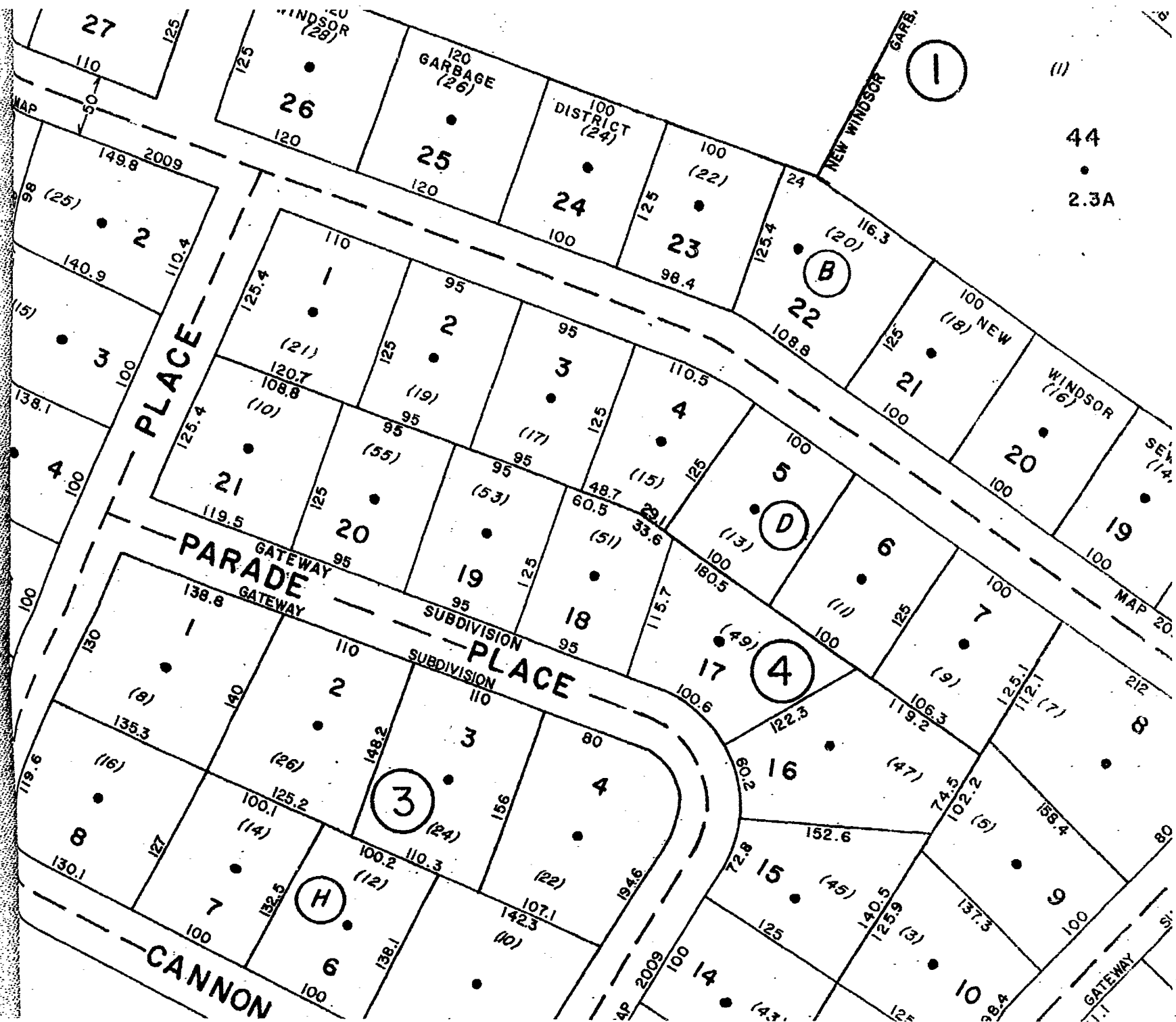
CARL J. DiLORENZO AND MARY A. DiLORENZO

LOCATED IN THE TOWN OF NEW WINDSOR, COUNTY OF ORANGE  
STATE OF NEW YORK

TAX No 4800-SECTION 45-BLOCK 03-PARCEL 01

Being all of Lot #8, Block "H" as shown on a map of "Gateway" said map found in the Orange County Clerk's Office as Map #2009.





PUBLIC HEARINGS:

DONALD FASSBENDER #04-07

Mr. Donald Fassbender appeared before the board for this proposal.

MR. KANE: Request for 5.5 ft. rear yard setback for existing shed at 8 Musket Place in an R-4 zone. Is there anybody in the audience here for this particular meeting? Okay, Mr. Fassbender, tell us what you want to do, same as in your preliminary hearing.

MR. FASSBENDER: Yes, it's, what it is is like I said, it's the footage between the property line, the shed has been there for approximately 17 years, when I purchased the house and it created a huge financial setback for us to, I'd have to dig up the buried pool lines for the heater and the water lines to move it five feet. Also, the fence, when it was built, the fence that surrounds the pool to keep the kids out and everything was built to the shed, so if I move it now, I'm going to have a 17 year old fence with a brand new section.

MR. KANE: So it's there as a safety issue with being part of the fence and storing the pool equipment in it?

MR. FASSBENDER: Yes.

MR. KANE: Any complaints formally or informally about the shed?

MR. FASSBENDER: I wish it was bigger. No, there wasn't.

MR. KANE: Any cutting down of any trees or substantial shrubbery with the building of it?

MR. FASSBENDER: No.



MR. KANE: Creating any water hazards on runoffs with it?

MR. FASSBENDER: No.

MR. KANE: At this point, I will open and close the public hearing, seeing as the public portion of the meeting, seeing as nobody's here and I'll ask Myra how many mailings we had.

MS. MASON: On the 9th day of March, I mailed 72 addressed envelopes containing the notice of public hearing no responses.

MR. KANE: Gentlemen, any questions?

MR. RIVERA: Accept a motion?

MR. KANE: Yes, I will.

MR. RIVERA: I move we grant Mr. Donald Fassbender his requested 5 foot rear yard setback for existing shed at 8 Musket Place in an R-4 zone.

MR. MINUTA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: MAY 12, 2004**  
**SUBJECT: ESCROW REFUND ZBA #04-07**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 197.00 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #04-07**

**NAME & ADDRESS:**

**Donald & Karen Fassbender  
8 Musket Place  
New Windsor, NY 12553**

**THANK YOU,**

**MYRA**

**L.R.05-12-04**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #04-07      TYPE: AREA

APPLICANT Name & Address:

**Donald & Karen Fassbender  
8 Musket Place  
New Windsor, NY 12553**

TELEPHONE:      562-4899

RESIDENTIAL:	\$ 50.00	CHECK #3041
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:              RESIDENTIAL \$300.00              CHECK #3040

Ω    Ω    Ω    Ω    Ω    Ω    Ω    Ω    Ω    Ω    Ω    Ω    Ω    Ω

<u>DISBURSEMENTS:</u>		<u>MINUTES</u> \$5.50 / PAGE	<u>ATTORNEY</u> <u>FEE</u>
PRELIMINARY:	<u>4</u> PAGES	\$ <u>22.00</u>	\$ <u>35.00</u>
2 <sup>ND</sup> PRELIMINARY:	<u>   </u> PAGES	\$ <u>      </u>	\$ <u>      </u>
PUBLIC HEARING:	<u>2</u> PAGES	\$ <u>11.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	<u>   </u> PAGES	\$ <u>      </u>	\$ <u>      </u>
TOTAL:		\$ <u>33.00</u>	\$ <u>70.00</u>

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ESCROW POSTED:              \$ 300.00  
LESS: DISBURSEMENTS:      \$ 103.00

AMOUNT DUE:                      \$       

REFUND DUE:                      \$ 197.00



RESULTS OF Z.B.A. MEETING OF: March 22, 2004

PROJECT: Donald Farsterder

ZBA # 04-07  
P.B.#

[illegible]

-----X

DONALD FASSBENDER

**#04-07**

**JENNIFER MEAD**  
**Notary Public, State Of New York**  
**No. 01ME6050024**  
**Qualified In Orange County**  
**Commission Expires 10/30/ 2006**

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

**Appeal No. 04-07**

**Request of DONALD FASSBENDER**

**for a VARIANCE of the Zoning Local Law to Permit:**

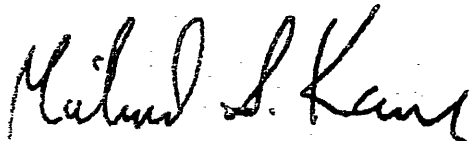
**Request for 5.5 ft. Rear Yard Setback for existing shed**

**being a VARIANCE of Section (48-14, A(1b))**

**for property located at: 8 Musket Place in an R-4 Zone**

**known and designated as tax map Section 45 Block 3 Lot 1**

**PUBLIC HEARING will take place on MARCH 22<sup>ND</sup>, 2004**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**



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**Michael Kane, Chairman**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessor's Office

February 18, 2004

Donald Fassbender  
8 Musket Place  
New Windsor, NY 12553

Re: 45-3-1 ZBA#04-07

Dear Mr. Fassbender:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$95.00, minus your deposit of \$25.00.

Please remit the balance of \$70.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IA  
Sole Assessor

JTW/lrd  
Attachments

CC: Myra Mason, ZBA

45-1-21  
James Aitken  
Hilde Lezaron Aitken  
18 Continental Drive  
New Windsor, NY 12553

45-1-22  
Charles & Audrey Spreer  
20 Continental Drive  
New Windsor, NY 12553

45-1-23  
Timothy & Theresa Wersebe  
22 Continental Drive  
New Windsor, NY 12553

45-1-24  
Lucille Greiner  
24 Continental Drive  
New Windsor, NY 12553

45-1-25  
Vincent & Joan Granieri  
26 Continental Drive  
New Windsor, NY 12553

45-1-26  
Samuel & Ruby & Leon Jones  
28 Continental Drive  
New Windsor, NY 12553

45-1-27  
Jean & Marie Louise Guillotin  
30 Continental Drive  
New Windsor, NY 12553

45-1-28  
Joseph & Lillian Harris  
32 Continental Drive  
New Windsor, NY 12553

45-1-29  
Rudolph & Elsie Rivera  
34 Continental Drive  
New Windsor, NY 12553

45-1-30  
George Jr. & Laurel Heine  
36 Continental Drive  
New Windsor, NY 12553

45-1-31  
William & Christine Gegenheimer  
38 Continental Drive  
New Windsor, NY 12553

45-1-32  
Javier & Norma Garcia  
40 Continental Drive  
New Windsor, NY 12553

45-1-33  
Gerald & Deborah Wynters  
Herbert Milch  
42 Continental Drive  
New Windsor, NY 12553

45-1-34  
Thomas & Catherine Durkin  
44 Continental Drive  
New Windsor, NY 12553

45-1-35  
Renee Kroun  
46 Continental Drive  
New Windsor, NY 12553

45-1-36  
Chien Min & Yao Ming Lu  
48 Continental Drive  
New Windsor, NY 12553

45-1-39  
North Plank Development Company, LLC  
5020 Route 9W  
Newburgh, NY 12550

45-1-40.1  
Rottmeier Development Co., Inc.  
C/o Rudolph Rottmeier  
4699 S. Atlantic Avenue  
Ponce Inlet, FL 32127

45-1-40.21  
Planet Wings of New Windsor, Inc.  
24 Sunnyside Avenue  
Middletown, NY 10940

45-1-40.23  
William Horowitz Corp.  
6 Hamilton Drive East  
North Caldwell, NJ 07006

45-1-42  
Susan Schatz  
73 Blooming Grove Turnpike  
New Windsor, NY 12553

45-2-1  
Alexander & Patricia Milne  
27 Continental Drive  
New Windsor, NY 12553

45-2-2  
Walter III & Joan Marvel  
25 Continental Drive  
New Windsor, NY 12553

45-2-3  
Charles Jr. & Kathy Hunter  
15 Musket Place  
New Windsor, NY 12553

45-2-4  
Peter & Dolores Valentino  
13 Musket Place  
New Windsor, NY 12553

45-2-5  
James & Jennifer Mitru  
11 Musket Place  
New Windsor, NY 12553

45-2-6  
Christopher & Jeannine Leggett  
9 Musket Place  
New Windsor, NY 12553

45-2-7  
Rose Marvel  
Estelle Ryan  
7 Musket Place  
New Windsor, NY 12553

45-2-8  
Ann Plass  
5 Musket Place  
New Windsor, NY 12553

45-2-9  
Robert & Theresa Penney  
3 Musket Place  
New Windsor, NY 12553



45-2-10  
Giuseppe & Vincenza Cullaro  
1 Regimental Place  
New Windsor, NY 12553

45-2-11  
Basil Komondarea  
41 Continental Drive  
New Windsor, NY 12553

45-2-12  
Thomas & Beverly Karas  
39 Continental Drive  
New Windsor, NY 12553

45-2-13  
Diane Kennelly  
37 Continental Drive  
New Windsor, NY 12553

45-2-14  
John & Jean Roberts  
35 Continental Drive  
New Windsor, NY 12553

45-2-15  
Steven Ponesse  
Dawn Marie Mulder  
33 Continental Drive  
New Windsor, NY 12553

45-2-16  
Steven & Sheila DeCicco  
31 Continental Drive  
New Windsor, NY 12553

45-2-17  
Edward & Lenore Smith  
29 Continental Drive  
New Windsor, NY 12553

45-3-2  
Michael & Denise Kirk  
26 Parade Place  
New Windsor, NY 12553

45-3-3  
Frank Ceriello  
24 Parade Place  
New Windsor, NY 12553

45-3-4  
Paul & Donna Sabella  
22 Parade Place  
New Windsor, NY 12553

45-3-5  
Peter & Clementina Grimando  
10 Cannon Drive  
New Windsor, NY 12553

45-3-6  
Kathy & Apostolos Amanatides  
12 Cannon Drive  
New Windsor, NY 12553

45-3-7  
Mildred Gatling  
14 Cannon Drive  
New Windsor, NY 12553

45-3-8  
Ronald & Diane Buckner  
16 Cannon Drive  
New Windsor, NY 12553

45-4-1  
Kenneth & Catherine Rose  
21 Continental Drive  
New Windsor, NY 12553

45-4-2  
Robert & Annette Gaydos  
19 Continental Drive  
New Windsor, NY 12553

45-4-3  
Alfredo & Elizabeth Lavigat  
17 Continental Drive  
New Windsor, NY 12553

45-4-4  
Lorenzo Reyes  
Marta Cadavid  
15 Continental Drive  
New Windsor, NY 12553

45-4-5  
Reynaldo & Alma Correa  
13 Continental Drive  
New Windsor, NY 12553

45-4-6  
Maurice Picard  
11 Continental Drive  
New Windsor, NY 12553

45-4-7  
Kevin Quinn  
9 Continental Drive  
New Windsor, NY 12553

45-4-13  
James Jr. & Paula Bresnan  
8 Cannon Drive  
New Windsor, NY 12553

45-4-14  
Michael & Eileen Dowd  
23 Parade Place  
New Windsor, NY 12553

45-4-15  
Richard Bittles  
25 Parade Place  
New Windsor, NY 12553

45-4-16  
Howard & Laurine Berean  
27 Parade Place  
New Windsor, NY 12553

45-4-17  
James & Veronica Kelly  
29 Parade Place  
New Windsor, NY 12553

45-4-18  
Margaret & Jeffrey Pagano  
31 Parade Place  
New Windsor, NY 12553

45-4-19  
William Brentnall Jr.  
33 Parade Place  
New Windsor, NY 12553

45-4-20  
Kevin & Jennifer Doyle  
35 Parade Place  
New Windsor, NY 12553

45-4-21  
Marguerite Brodeski  
10 Musket Place  
New Windsor, NY 12553

49-4-2  
Theresa Russo  
27 Provost Drive  
New Windsor, NY 12553

49-3-1  
Vito Guidice  
Katherine Shay  
17 Cannon Drive  
New Windsor, NY 12553

49-4-22  
Donald & Carolyn Cronin  
19 Parade Place  
New Windsor, NY 12553

49-3-2  
Raymond & Gloria Lopez  
11 Cannon Drive  
New Windsor, NY 12553

49-3-3  
Glenn Giametta  
20 Parade Place  
New Windsor, NY 12553

49-3-4  
Geoge & Norma Weygant  
18 Parade Place  
New Windsor, NY 12553

49-3-5  
Richard Bogardus  
Beth Castaldo  
16 Parade Place  
New Windsor, NY 12553

49-3-19  
Frances Fellner  
5 Regimental Drive  
New Windsor, NY 12553

49-3-20  
Leonard & Alice Bauer  
PO Box 4320  
New Windsor, NY 12553

49-3-21  
Betty Lou & Cindy Lou Drake  
4 Musket Place  
New Windsor, NY 12553

49-4-1  
Kenneth & Carol Pick  
21 Parade Place  
New Windsor, NY 12553

**TOWN OF NEW WINDSOR**  
**REQUEST FOR NOTIFICATION LIST**

DATE: 02-11-04

PROJECT NUMBER: ZBA# 04-07 P.B. # \_\_\_\_\_

APPLICANT NAME: DONALD FASSBENDER

PERSON TO NOTIFY TO PICK UP LIST:

DONALD FASSBENDER  
8 MUSKET PLACE  
NEW WINDSOR, NY 12554

TELEPHONE: 562-4899

TAX MAP NUMBER:	SEC. <u>45</u>	BLOCK <u>3</u>	LOT <u>1</u>
	SEC. _____	BLOCK _____	LOT _____
	SEC. _____	BLOCK _____	LOT _____

PROPERTY LOCATION: 8 MUSKET PLACE  
NEW WINDSOR, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: \_\_\_\_\_

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) \_\_\_\_\_

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) \_\_\_\_\_

AGRICULTURAL DISTRICT:  
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT) \_\_\_\_\_

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 3042

TOTAL CHARGES: \_\_\_\_\_



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

March 14, 2004

Donald & Karen Fassbender  
8 Musket Place  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-07

Dear Mr. Fassbender:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

8 Musket Place  
New Windsor, NY

is scheduled for the March 22, 2004 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

PRELIMINARY MEETINGS:

DONALD FASSBENDER (04-07)

MR. KANE: Request for 5.5 ft. rear yard setback (48-14, A(1b) for existing shed at 8 Musket Place in an R-4 zone.

Mr. Donald Fassbender appeared before the board for this proposal.

MR. FASSBENDER: First time doing this so--

MR. KANE: We in New Windsor, what we do at the preliminary hearings is to take a look at what you've got and ask you some questions. There will be the same thing at a public hearing, everything has to be done by law at a public hearing, so we want to give you an idea of what we're looking for. In a lot of towns, go you in cold, if you don't have the right answers, you lose. So tell us what you want to do.

MR. FASSBENDER: Well, the shed was there previous I just want to get it, I can't really move it, so I was just hoping to, I don't know.

MR. KANE: How long has the shed been in existence?

MR. FASSBENDER: Fifteen years.

MR. KANE: Any complaints formally or informally about the shed?

MR. FASSBENDER: No.

MR. KANE: Create any water hazards or runoffs with the building of the shed?

MR. FASSBENDER: No.

MR. KANE: Cut down any trees or substantial shrubbery?

MR. FASSBENDER: No.

MR. REIS: What brings you to the zoning board?

MR. FASSBENDER: I purchased the home three years ago and there's no violations found at the time, so the purchase went through. Well when the rates dropped, we refinanced a year later, wait a second, you've got a code violation.

MR. KANE: The banks will check that kind of stuff.

MR. FASSBENDER: We inherited this.

MR. REIS: Thank you.

MR. KANE: And you realize that even if it is approved through the zoning board that you would still have to pass all the building department's inspections and that kind of stuff?

MR. FASSBENDER: Yes.

MR. REIS: There's no complaints from your neighbors?

MR. FASSBENDER: No, they usually come over and swim in our pool.

MR. MINUTA: You mentioned that it couldn't be moved, does it have a footing underneath?

MR. FASSBENDER: Well, it's the plumbing for the pool, the heating and all that, the costs.

MR. KRIEGER: Not just moving the shed, move all the other stuff?

MR. FASSBENDER: Yes.

MR. KANE: It would be a financial hardship for you to move it at this point?

MR. FASSBENDER: Yes, if the plumbing wasn't there, we can pick it up and move it, all the plumbing and heating and all that is there.

MR. KANE: You feel that makes it safer for the pool to have all the equipment inside the building?

MR. FASSBENDER: Yes, same filter has been there for 17 years, never been replaced because it's been indoors.

MR. KANE: Building is also part of the fence for the security around the pool from the picture?

MR. FASSBENDER: Yes, that's a well kept shed, it's not really a shed.

MR. KANE: Good shape. Gentlemen?

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Make a motion that we set up Mr. Fassbender for his requested variance at 8 Musket Place for a public hearing.

MR. MINUTA: Second it.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. RIVERA	AYE
MR. KANE	AYE

MR. KANE: Here's what you have to do next, just follow

February 9, 2004

6

those questions. If you have any questions about it, give Myra a call at the office and she'll help you through it.





**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#73-2004**

01/21/2004

Fassbender, Karen  
8 Musket Place  
New Windsor, NY 12553

Received \$ 50.00 for Zoning Board Fees, on 01/21/2004. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: JANUARY 21, 2004

FOR: **ESCROW 04-07**

FROM: **DONALD & KAREN FASSBENDER**


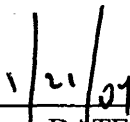
**8 MUSKET PLACE**

**NEW WINDSOR, NY 12553**

CHECK NUMBER: **3040**

AMOUNT: **300.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:

	
NAME	DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

January 21, 2004

Donald & Karen Fassbender  
8 Musket Place  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-07

Dear Mr. & Mrs. Fassbender:

This letter is to inform you that you have been placed on the January 26th, 2004 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

8 Musket Place  
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(845) 563-4615 (MYRA MASON)



## ZONING BOARD PROCEDURES

**PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO. IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.**

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

**RESIDENTIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".**

\*

**ESCROW**

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

\*\*

LIST OF PROPERTY OWNERS  
WITHIN 500 FT. RADIUS OF  
PROPERTY IN QUESTION:

APPROXIMATE COST FOR  
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES  
IS \$1.00 EA. ADDITIONAL  
NAME

FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

**NOTE:**

**IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.**

**\* \* MUST READ AND SIGN \* \***

***I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted).***

*Don Fassel*

SIGNATURE

*1-7-4*

DATE

**NOTE:**

THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.  
(JULY AND AUGUST - ONE MEETING PER MONTH ONLY)



TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

1-7-4

Date

Application Type: Use Variance ☐ Area Variance ☒  
Sign Variance ☐ Interpretation ☐

I. Owner Information:

DON FASSBENDER

(Name)

8 MUSKET PLACE

(Address)

Phone Number: (845) 562-4899

Fax Number: (845) 569-0423

II. If Moving to New Address, please list forwarding address for return of escrow:

NO

(Name)

Phone Number: ( )

Fax Number: ( )

(Address)

III. Attorney:

NONE

(Name)

Phone Number: ( )

Fax Number: ( )

(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

NONE

(Name)

Phone Number ( )

Fax Number: ( )

(Address)

V. Property Information:

Zone: R-4 Property Address in Question: 8 MUSKET PLACE, NEW WINDSOR NY

Lot Size: Tax Map Number: Section 2009 Block H Lot 8

- a. What other zones lie within 500 feet? \_\_\_\_\_
- b. Is pending sale or lease subject to ZBA approval of this Application? NO
- c. When was property purchased by present owner? \_\_\_\_\_
- d. Has property been subdivided previously? NO If so, When: \_\_\_\_\_
- e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO
- f. Is there any outside storage at the property now or is any proposed? NO

\*\*\*\*PLEASE NOTE:\*\*\*\*

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	10 FT.	4.5 FT.	5.5 FT.
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

The shed/building in question has been on the property for approximately fifteen years. We purchased the property 2 1/2 years ago and were not informed of any violations. While refinancing (last year), we were informed of this shed/building being in violation. All the surrounding neighbors know of this violation as we informed them. No one has a problem with this situation.

How often do property codes change?  
Why aren't taxpayers more informed via the town officials?

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- 
- 

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
  - ☐ One in the amount of \$ 300.00 or 500.00 , (escrow)
  - ☐ One in the amount of \$ 50.00 or 150.00 , (application fee)
  - ☐ One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR(4) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

13 day of Jan 2004.

Don Fash Bender

Owner's Signature (Notarized)

DON FASHBENDER

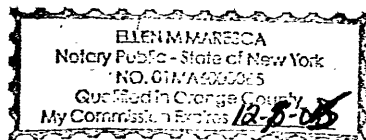
Owner's Name (Please Print)

Ellen M. Maresca  
Signature and Stamp of Notary

Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**



**COMPLETE THIS PAGE ☐**